

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings of claims in the application:

**Listing of Claims:**

1           1. (currently amended) A method for determining spare capacity for a video  
2 and data network from a network element database comprising:

3                 receiving a request for spare capacity in the video and data network for a  
4 customer requesting a service for the video and data network, wherein the request comprises a  
5 service area identifier corresponding to the customer;

6                 identifying equipment to check for spare capacity from the service area identifier,  
7 wherein the equipment identified is used to provide the service to the customer on the video and  
8 data network;

9                 checking the network element database to determinedetermining if the identified  
10 equipment has spare data and video capacity using information for the identified equipment in  
11 the network element inventory; and

12                 if the equipment has spare data and video capacity, calculating spare video and  
13 data capacity for the equipment, wherein the spare video and data capacity is used to provide the  
14 service to the customer, if desired.

1           2. (previously presented) The method of claim 1, wherein the video and data  
2 network comprises a Digital Subscriber Line (xDSL) network.

1           3. (currently amended) The method of claim 1, wherein the video and data  
2 network comprises a Very high bit-data rate DSL (VDSL) network.

1           4. (previously presented) The method of claim 1, wherein calculating spare  
2 video/data capacity for the equipment comprises calculating a number of video and data ports  
3 available minus a number of video and data ports in use.

1           5. (previously presented) The method of claim 4, further comprising  
2 determining possible capacity for the equipment.

1               6. (previously presented) The method of claim 5, wherein possible capacity  
2 comprises possible video/data ports.

1               7. (previously presented) The method of claim 6, wherein calculating spare  
2 video/data capacity for the equipment comprises adding the possible video/data ports to the spare  
3 video/data capacity calculation.

1               8. (previously presented) The method of claim 7, further comprising  
2 determining a number of defective video/data ports.

1               9. (previously presented) The method of claim 8, wherein calculating spare  
2 video and data capacity for the equipment comprises subtracting the number of defective  
3 video/data ports from the spare video/data capacity calculation.

1               10. (previously presented) The method of claim 4, further comprising  
2 determining a number of held and pending video service orders for the service area identifier.

1               11. (previously presented) The method of claim 10, wherein calculating spare  
2 video and data capacity for the equipment comprises subtracting the number of held and pending  
3 video service orders from the spare video/data capacity calculation.

1               12. (previously presented) The method of claim 1, wherein checking the  
2 network element database to determine if the identified equipment has spare data and video  
3 capacity comprises checking if the identified equipment has spare virtual video/data capacity.

1               13. (previously presented) The method of claim 1, wherein checking the  
2 network element database to determine if the identified equipment has spare data and video  
3 capacity comprises checking if the identified equipment has spare physical video/data capacity.

1               14. (previously presented) The method of claim 4, further comprising  
2 determining a number of data only slots.

15. (previously presented) The method of claim 14, wherein calculating spare video and data capacity for the equipment comprises returning the number of data only slots in the spare capacity calculation.

16. (previously presented) The method of claim 1, further comprising checking the network element database to determine if the identified equipment telephony usage is at a maximum.

1 17. (new) A method for processing customer requests for services on a video  
2 and data network, the method comprising:

3 receiving a request from a customer for a service on the video and data network;  
4 determining a service area identifier for the customer;

5 receiving a request for spare capacity in the video and data network, wherein the  
6 request comprises the service area identifier for the customer;

7 identifying equipment to check for spare capacity from the service area identifier,  
8 wherein the equipment identified is used to provide the service to the customer on the video and  
9 data network;

10 determining if the identified equipment has spare data and video capacity using  
11 information for the identified equipment in the network element inventory; and

12 if the equipment has spare data and video capacity, calculating spare video and  
13 data capacity for the equipment;

14 determining if the request for service should be processed based on the calculated  
15 spare video and data capacity for the equipment.

1 18. (new) The method of claim 17, further comprising denying the request for  
2 service when no spare video and data capacity exists.

1 19. (new) The method of claim 17, further comprising denying the request for  
2 service when spare video and data capacity exists but the capacity is not sufficient to offer the  
3 service to the customer.

1               20. (new) The method of claim 17, further comprising approving the request  
2 for service when spare video and data capacity exists.

1               21. (new) An apparatus for determining spare capacity for a video and data  
2 network from a network element database, the apparatus comprising logic configured to perform  
3 a set of steps comprising:

4               receiving a request for spare capacity in the video and data network for a  
5 customer requesting a service for the video and data network, wherein the request comprises a  
6 service area identifier corresponding to the customer;

7               identifying equipment to check for spare capacity from the service area identifier,  
8 wherein the equipment identified is used to provide the service to the customer on the video and  
9 data network;

10              determining if the identified equipment has spare data and video capacity using  
11 information for the identified equipment in the network element inventory; and

12              if the equipment has spare data and video capacity, calculating spare video and  
13 data capacity for the equipment, wherein the spare video and data capacity is used to provide the  
14 service to the customer, if desired.

1               22. (new) The apparatus of claim 21, wherein the video and data network  
2 comprises a Digital Subscriber Line (xDSL) network.

1               23. (new) The apparatus of claim 21, wherein the video and data network  
2 comprises a Very high bit rate DSL (VDSL) network.

1               24. (new) The apparatus of claim 21, wherein calculating spare video/data  
2 capacity for the equipment comprises calculating a number of video and data ports available  
3 minus a number of video and data ports in use.

1               25. (new) The apparatus of claim 24, further comprising determining possible  
2 capacity for the equipment.

1               26. (new) The apparatus of claim 25, wherein possible capacity comprises  
2 possible video/data ports.

1               27. (new) The apparatus of claim 26, wherein calculating spare video/data  
2 capacity for the equipment comprises adding the possible video/data ports to the spare video/data  
3 capacity calculation.

1               28. (new) The apparatus of claim 27, further comprising determining a  
2 number of defective video/data ports.

1               29. (new) The apparatus of claim 28, wherein calculating spare video and  
2 data capacity for the equipment comprises subtracting the number of defective video/data ports  
3 from the spare video/data capacity calculation.

1               30. (new) The apparatus of claim 24, further comprising determining a  
2 number of held and pending video service orders for the service area identifier.

1               31. (new) The apparatus of claim 30, wherein calculating spare video and  
2 data capacity for the equipment comprises subtracting the number of held and pending video  
3 service orders from the spare video/data capacity calculation.

1               32. (new) The apparatus of claim 21, wherein checking the network element  
2 database to determine if the identified equipment has spare data and video capacity comprises  
3 checking if the identified equipment has spare virtual video/data capacity.

1               33. (new) The apparatus of claim 21, wherein checking the network element  
2 database to determine if the identified equipment has spare data and video capacity comprises  
3 checking if the identified equipment has spare physical video/data capacity.

1               34. (new) The apparatus of claim 24, further comprising determining a  
2 number of data only slots.

1               35. (new) The apparatus of claim 34, wherein calculating spare video and  
2 data capacity for the equipment comprises returning the number of data only slots in the spare  
3 capacity calculation.

1               36. (new) The apparatus of claim 21, further comprising checking the  
2 network element database to determine if the identified equipment telephony usage is at a  
3 maximum.